

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

<p>IN RE:</p> <p>AT&amp;T COMMUNICATIONS OF THE MIDWEST, INC.,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">v.</p> <p>IOWA TELECOMMUNICATIONS ASSOCIATION, et al.,</p> <p style="text-align: center;">Respondents.</p>	<p style="text-align: right;">DOCKET NO. FCU-02-14 (RMU-02-8)</p>
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**ORDER DOCKETING COMPLAINT AND PETITION FOR RULE MAKING,  
SUSPENDING PETITION, AND ESTABLISHING PRELIMINARY SCHEDULE**

(Issued August 21, 2002)

On July 12, 2002, AT&T Communications of the Midwest, Inc. (AT&T), filed with the Utilities Board (Board) a complaint and a petition for rule making. AT&T complained that the intrastate access charges of certain independent local exchange carriers (the Independents) are not just, reasonable, and nondiscriminatory and are therefore unlawful. AT&T alleged the Board has jurisdiction of the complaint pursuant to Iowa Code §§ 476.3 and 476.11 (2001) and of the petition for rule making pursuant to Iowa Code § 17A.7.

In the first count of the complaint, made pursuant to § 476.3, AT&T asks that the Board require that the Independents answer the complaint within a reasonable



time, initiate a formal proceeding and give such notice as the Board deems appropriate, and find that the Independents' intrastate access rates and charges are unjust, unreasonable, discriminatory, or otherwise in violation of law. AT&T also asks that the Board set new access rates and charges for the Independents, not to exceed the current National Exchange Carrier Association (NECA) interstate access rates and charges, except that the carrier common line charge should be set at zero.

In the second count of its complaint, filed pursuant to § 476.11, AT&T asks that the Board docket the complaint, prescribe the manner in which AT&T should provide notice to the Independents, and determine the terms and procedures for intrastate toll connection between AT&T and the Independents with switched access rates at the same level as requested in the first count.

In the petition for rule making, AT&T asks that the Board amend 199 IAC 22.14(2)"d"(1) to reduce the carrier common line charge to zero.

AT&T provided mailed notice of its filing to each of the Independents plus Qwest Corporation (Qwest), Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), Frontier Communications of America, Inc. (Frontier), and the Consumer Advocate Division of the Department of Justice (Consumer Advocate). AT&T also provided courtesy copies of its filing to the Iowa Telecommunications Association (ITA), Rural Iowa Independent Telephone Association (RIITA), and Iowa Network Services, Inc. (INS).

On August 2, 2002. AT&T filed its first amended complaint and petition for rule making. Notice of the amended complaint was mailed to the Independents and



Consumer Advocate, but it is unclear whether notice was provided to ITA, RIITA, or INS.

The Board will docket AT&T's complaint and suspend action on the petition for rule making. (Because the outcome of any rule making appears likely to be significantly affected by the Board's decision with respect to the complaint, the Board finds it will be more efficient to complete the complaint proceedings before commencing the rule making.) However, the Board will not establish a procedural schedule at this time. It appears the efficient administration of this proceeding is likely to depend upon factors that are not yet before the Board. AT&T has alleged that most of the Independents concur in the ITA access tariff, an association tariff filed with the Board pursuant to 199 IAC 22.14(2). As a result, each of the Independents (which provide access services and charge for those services) and the ITA (which files the association tariff) have an interest in the subject matter of AT&T's complaint. It appears AT&T has provided adequate notice to the Independents, but it is unclear whether the same is true with respect to the ITA, which received only a courtesy copy of the initial complaint and may not have received any copy of the first amended complaint. Furthermore, the fact that AT&T also provided courtesy copies of the original complaint to RIITA and INS may indicate that AT&T believes they are likely to be interested parties. Accordingly, the Board will order AT&T to serve the first amended complaint on the ITA, RIITA, and INS, by first class U.S. mail, postage prepaid, or by such other means as the parties may agree. That service must be completed by August 23, 2002.



The Board will set a deadline of September 23, 2002, for answers or motions responding to the complaint. The Board will then review the pleadings and order such further action as may be appropriate.

It appears that each Independent is entitled to answer separately and participate individually in this proceeding, as each of the Independents provides access services to AT&T (and other interexchange carriers) and bills and collects for those services. However, the Board notes that AT&T has notified in excess of 200 local exchange carriers. The Board encourages the Independents to consider coordinating and consolidating their participation in this matter to the maximum extent possible. To that end, the Board notes that every participant in this docket is potentially subject to assessment for some portion of the Board's and Consumer Advocate's expenses, pursuant to Iowa Code § 476.10 and, if applicable, § 476.101(8). The Board further notes that local exchange carriers that participate through the ITA may be able to rely upon the ITA's justification of its association tariff rates, while local exchange carriers that participate individually may have to justify their access rates individually.

**IT IS THEREFORE ORDERED:**

1. The complaint filed by AT&T Communications of the Midwest, Inc., on July 12, 2002, and amended on August 2, 2002, is docketed for investigation as Docket No. FCU-02-14.
2. The petition for rule making filed by AT&T on July 12, 2002, and amended on August 2, 2002, is docketed as Docket No. RMU-02-8.



3. The petition for rule making is suspended until further notice.

4. AT&T is directed to serve, on or before August 23, 2002, its first amended complaint and petition for rule making on the Iowa Telecommunications Association, the Rural Iowa Independent Telephone Association, and Iowa Network Services, Inc.

5. Answers or motions responsive to AT&T's first amended complaint must be filed on or before September 23, 2002.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 21<sup>st</sup> day of August, 2002.